

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**NANCY LOTT**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 2:21-cv-25-TBM-RHWR**

**C R BARD INCORPORATED, *et al.***

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on submission of the Report and Recommendation [18] entered by United States Magistrate Judge Robert H. Walker on October 19, 2021. After considering the record and applicable law, Judge Walker recommends dismissal based on Plaintiff's failure to prosecute and obey Orders of the Court. Specifically, Judge Walker recommends dismissal for the Plaintiff's failure to comply with two Court orders—one on May 14, 2021, and one on August 17, 2021,—both of which warned Plaintiff that failure to comply could result in dismissal under Federal Rule of Civil Procedure 41(b). [18] at 4. In addition to failure to comply with Court orders, Plaintiff has not made any contact, whatsoever, with the Court. *Id.*

The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired. “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted). *See Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (affirming district court's dismissal of § 1983 claims and stating that “[w]hen a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal


the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (citing *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court’s grant of summary judgment).

Having considered Judge Walker’s Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [18] entered by United States Magistrate Judge Robert H. Walker on October 19, 2021, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that this matter is DISMISSED WITHOUT PREJUDICE.

THIS, the 29th day of December, 2021.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE